



## CRS Report for Congress

# Afghanistan: Government Formation and Performance

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### Summary

The central government's limited writ and perceived corruption are helping sustain a Taliban insurgency and feeding pessimism about the Afghanistan stabilization effort. However, ethnic disputes have been confined to political debate and competition, enabling President Karzai to focus on improving governance, reversing security deterioration and on his re-election bid in the fall of 2009. See CRS Report RL30588, *Afghanistan: Post-War Governance, Security, and U.S. Policy*, by Kenneth Katzman.

### Post-Conflict Political Transition and Political Landscape

U.S. policy has been to extend the authority and encourage reform of Afghanistan's President Hamid Karzai and his central government, predicated on the observation that weak and corrupt governance is causing some Afghans to acquiesce to Taliban insurgents as providers of stability and credible justice. At the same time, U.S. and Afghan officials are supporting the development of local governing bodies and community development councils to restore some traditional patterns of local and tribal autonomy. Karzai's is the first fully elected government in Afghan history, although there were parliamentary elections during the reign of King Zahir Shah (the last were in 1969). Presidential, parliamentary, and provincial elections, and adoption of a constitution were part of a post-Taliban transition roadmap established by a United Nations-sponsored agreement of major Afghan factions signed in Bonn, Germany on December 5, 2001, ("Bonn Agreement"),<sup>1</sup> after the Taliban had fallen. (The political transition process is depicted in the table.) The elected Afghan parliament integrates all the various ethnicities and sects, but the cabinet has come to be dominated by ethnic Pashtuns (who are about 42% of the population and traditionally have governed Afghanistan). The United States provides about 14,500 forces to a 45,000 troop NATO-led peacekeeping coalition there; another 19,000 U.S. troops are under direct U.S. command.

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<sup>1</sup> For text, see [<http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>].

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Many seats in parliament, particularly the 249 seat elected lower house (*Wolesi Jirga*), are held by personalities and factions prominent in recent wars. The lower house is divided into pro-Karzai, opposition and “independent” deputies that are not strictly organized according to Afghanistan’s 90 registered political parties. Karzai opposes forming his own party, but his support base in the *Wolesi Jirga* includes former members of the hardline conservative Pashtun-based Hizb-e-Islam party; and supporters of Abd-i-Rab Rasul Sayyaf – a prominent Islamic conservative *mujahedin* party leader. Several Karzai clan members are in the body, including cousin Jamil Karzai, and relative by marriage Aref Nurzai. Karzai’s elder brother, Qayyum, was in the lower house representing Qandahar until his October 2008 resignation due to health reasons. Also pro-Karzai are former militia and Taliban leaders, including Hazrat Ali (Nangarhar Province), who had gained fame for leading the Afghan component of the assault on the Al Qaeda redoubt at Tora Bora in December 2001; Pacha Khan Zadran (Paktia) who, by some accounts, helped Osama bin Laden escape Tora Bora; and Mullah Abdul Salam (“Mullah Rocketi”), from Zabol.

The “opposition,” led by ethnic minorities (Tajik, Uzbek, and Hazara) of the anti-Taliban “Northern Alliance,” view as a betrayal Karzai’s firing of many of the non-Pashtuns from the cabinet – such as former Foreign Minister Dr. Abdullah Abdullah, dismissed in 2006). However, the bloc says its disputes with Karzai will remain political and peaceful. In April 2007, *Wolesi Jirga* Speaker Yunus Qanooni and former Afghan president Burhanuddin Rabbani, both prominent Northern Alliance figures, organized a broader opposition bloc called the “National Front,” which included both of Karzai’s vice presidents, and some Pashtuns prominent in the Soviet-occupation era such as Sayed Muhammad Gulabzoi (Khost Province) and Nur ul-Haq Ulumi, who chairs parliament’s defense committee. The bloc advocates amending the constitution to give more power to parliament and to empower the elected provincial councils (instead of the President) to select governors and mayors. The National Front, fearing Pashtun consolidation, has been generally opposed to Karzai’s overtures to Taliban fighters to end their fight and join government, which drew backing from the U.S. and British governments in October 2008.

The opposition to Karzai first showed its strength in March 2006, following the December 19, 2005 inauguration of parliament, by requiring Karzai’s cabinet to be approved individually, rather than *en bloc*, increasing opposition leverage. However, Karzai rallied his support and all but 5 of the 25 nominees were confirmed. One of those defeated was a female nominee for Minister of Women’s Affairs, leaving Afghanistan without any women ministers. The post was held by a female since it was established in 2002. Replacement nominees for those voted down were approved on August 7, 2006. In May 2006, the opposition compelled Karzai to change the nine-member Supreme Court, the highest judicial body, including ousting 74-year-old Islamic conservative Fazl Hadi Shinwari as chief justice. Parliament approved his new Court choices in July 2006, all of whom are trained in modern jurisprudence.

In May 2007, the National Front achieved a majority in parliament to oust Karzai ally Rangin Spanta as Foreign Minister. However, Karzai refused to replace him, instead seeking a Supreme Court ruling that Spanta should remain, on the grounds that his ouster was related to a refugee issue (Iran’s expulsion of 100,000 Afghan refugees), not a foreign policy issue. The Court has, to date, supported Karzai, and Spanta remains in office.

Karzai and the National Front often battle for the support of the many “independent” deputies in the *Wolesi Jirga*. Among them are several outspoken women, intellectuals, and business leaders, such as 35-year-old Malalai Joya (Farah Province), a leading critic of war-era faction leaders. In May 2007 parliament voted to suspend her for this criticism for the duration of her term, but she is challenging the expulsion in court. Others in this camp include Ms. Fauzia Gailani (Herat Province); Ms. Shukria Barekzai, editor of *Woman Mirror* magazine; and Mr. Ramazan Bashardost, a former Karzai minister who champions parliamentary powers. U.S.-based International Republican Institute (IRI) has helped train the independents; the National Democratic Institute (NDI) has assisted the more established factions.

Karzai has fewer critics in the *Meshrano Jirga*, partly because of his 34 appointments (one-third of that body). He engineered the appointment as Speaker an ally, Sibghatullah Mojadeddi, a noted Islamic scholar who headed the post-Communist *mujahedin* government for one month (May 1992) and who now heads the effort to reconcile with Taliban figures (Peace and Reconciliation Commission, or “PTSD” program). Karzai also appointed Northern Alliance military leader Muhammad Fahim, perhaps to compensate for his removal as Defense Minister, although he resigned after a few months and later joined the National Front. There is one Hindu, and 23 women; 17 are Karzai appointees and 6 were selected in their own right.

On less contentious issues, the executive and the legislature have worked well. During 2008, parliament passed a labor law, a mines law, a law on economic cooperatives, and a convention on tobacco control. It also confirmed several Karzai nominees, including the final justice to fill out the Supreme Court. Both houses of parliament, whose budgets are controlled by the Ministry of Finance, are staffed by about 275 Afghans, reporting to a “secretariat.” There are 18 oversight committees, a research unit and a library.

## Government Performance<sup>2</sup>

U.S. policy has been to help expand Afghan institutions and to urge reforms such as merit-based performance criteria and weeding out of the rampant official corruption. Afghan ministries are growing their staffs and technological capabilities, although still suffering from a low resource and skill base. U.S. officials have generally refrained from criticizing Karzai when, in the interests of political harmony, he has indulged faction leaders with appointments and tolerated corruption, although some observers believe that the incoming Obama Administration might be more publicly critical of Karzai than has the Bush Administration. Karzai argues that compromises with faction leaders and tribes are needed to keep the government intact as he focuses on fighting “unrepentant” Taliban insurgents. Partly as a result of these compromises, as well as what many Afghans view as a “predatory” central government, some Afghans are said to be losing faith in the government. Some observers, such as former Coordinator for Counter-Narcotics and

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<sup>2</sup> Some information in this section is from the State Department reports on human rights in Afghanistan for 2007. March 11, 2008 [<http://www.state.gov/g/drl/rls/hrrpt/2007/100611.htm>]; the International Religious Freedom Report, released September 19, 2008. [<http://www.state.gov/g/drl/irf/2007/90225.htm>]; and Defense Department “Report on Progress Toward Security and Stability in Afghanistan.” June 2008

Justice Reform Thomas Schweich, in a July 27, 2008 *New York Times* article, have gone so far as to assert that Karzai, to build political support, is deliberately tolerating officials in his government who are allegedly involved in the narcotics trade. The *New York Times* reported allegations (October 5, 2008) that another Karzai brother, Qandahar provincial council chief Ahmad Wali Karzai, is involved in narcotics trafficking. The perception of governmental corruption was not improved by Karzai's decisions in 2007 to empower two Supreme Court chief justice Abdul Salam Azimi and Attorney General Abdul Jabbar Sabit to instill confidence in the justice sector and enhance accountability. Nor was confidence improved when Karzai fired Sabit on July 16, 2008, after Sabit declared his intention to run against Karzai in 2009. To try to address the criticism, in August 2008 Karzai set up the "High Office of Oversight for the Implementation of Anti-Corruption Strategy" with the power to investigate the police, courts, and the attorney general's office, and to catalogue the overseas assets of Afghan officials. In October 2008, Karzai replaced the ministers of Interior, of Education, and of Agriculture with officials, particularly the new Interior Minister – former Soviet-era official Muhammad Hanif Atmar – believed to be dedicated to reform of their ministries and weeding out of official corruption. However, Atmar's appointment incurred further Northern Alliance concern because Atmar, a Pashtun, replaced a Tajik (Zarrar Moqbel) in that post.

Although Karzai is said to remain relatively popular (about 60% support, suggesting some support among non-Pashtuns), his popularity is also being undermined by civilian casualties resulting from U.S./NATO operations. Following an August 21, 2008, airstrike that some Afghans said killed 90 civilians (the incident is in dispute) near Herat city, the Afghan cabinet called for bringing foreign forces under Afghan law, replacing an 2001 interim "status of forces agreement" with the coalition. Afghanistan and the United States have agreed to a joint investigation of the incident, and U.S. investigators preliminarily concluded in October 2008 that about 30 civilians were killed in that incident.

Karzai has marginalized several major regional strongmen but without confronting them to the point where their followers go into armed rebellion, allowing Karzai to husband government resources against the Taliban. However, some have cited Karzai's recent handling of prominent Uzbek leader Abdurrashid Dostam, as evidence of political weakness. Dostam is often referred to as a "warlord" because of his command of partisans in his redoubt in northern Afghanistan (Jowzjan and Balkh provinces), and he is widely accused of human rights abuses of political opponents in the north. To try to separate him from his militia, in 2005 Karzai appointed him to the post of chief of staff of the armed forces. On February 4, 2008, Afghan police surrounded Dostam's villa in Kabul in response to reports that his followers attacked and beat an ethnic Turkmen rival, but Karzai has not ordered his arrest for fear of stirring unrest among Dostam's followers. Karzai similarly curbed prominent Tajik political leader, former Herat governor Ismail Khan, by appointing him Minister of Energy and Water. In February 2007, both houses passed a law giving amnesty to so-called "warlords"; Karzai altered the draft to give victims the right to seek justice for any abuses; Karzai did not sign a modified version in May 2007, leaving the status unclear.

To try to focus on improving local governance, in August 2007 Karzai placed the selection process for local leaders (provincial governors and down) in a new Independent Directorate for Local Governance (IDLG) — and out of the Interior Ministry. The IDLG, with advice from India and other donors, has also developed plans to empower localities to decide on development priorities. In March 2008 Karzai replaced the weak and

ineffective governor of Helmand - Asadullah Wafa - with Gulab Mangal, who is from Laghman Province and who the U.N. Office of Drugs and Crime said in an August 2008 report is taking relatively effective action to convince farmers not to grow crops other than poppy. Some observers say that the central government has not given Mangal the support he is requesting, such as delivery of seeds and other goods to encourage Helmand farmers to grow legitimate crops. The UNODC report said that improving governance in some provinces had contributed to the increase to 18 “poppy free” provinces (out of 34), from 13 in the same report in 2007. The governor of Qandahar was changed (to former General Rahmatullah Raufi, replacing Asadullah Khalid) after the August 7, 2008 Taliban assault on the Qandahar prison that led to the freeing of several hundred Taliban fighters incarcerated there. The IDLG also has replaced the governor of Ghazni Province, and at least three other governors are slated to be changed.

On human rights issues, the overall State Department judgment is that the country’s human rights record remains poor, but primarily because of the weakness of the central government. The security forces are widely cited for abuses and corruption, including torture and abuse of detainees. In debate over a new press law, both houses of parliament have approved a joint version, but Karzai has vetoed it on the grounds that it gives the government too much control over private media. In the absence of a new law, Afghanistan’s conservative Council of Ulema (Islamic scholars) has been ascendant. With the Council’s backing, in April 2008 the Ministry of Information and Culture banned five Indian-produced soap operas on the grounds that they are too risqué, although the programs were restored in August 2008. At the same time, press reports say that there are growing numbers of arrests or intimidation of journalists who criticize the central government or local leaders. On the other hand, many women are in the parliament (numbers in the table below), there is one female governor (Bamiyan Province), 67 female judges, and almost 500 female journalists working nationwide.

The September 2008 International Religious Freedom report says the Afghan government took limited steps during the year to increase religious freedom. Still, members of minority religions, including Christians, Sikhs, Hindus, and Baha’i’s, often face discrimination; the Supreme Court declared the Baha’i faith to be a form of blasphemy in May 2007. In October 2007, Afghanistan resumed enforcing the death penalty after a four-year moratorium, executing 15 criminals. One major case incurring international criticism has been the January 2008 death sentence, imposed in a quick trial, against 23 year old journalist Sayed Kambaksh for allegedly distributing material critical of Islam. On October 21, 2008, a Kabul appeals court changed his sentence to 20 years in prison; he remains in jail but has several avenues of appeal remaining. Afghanistan was again placed in Tier 2 in the State Department’s June 4, 2008, Trafficking in Persons report for 2008 on the grounds that it does not fully comply with minimum standards for the elimination of trafficking in persons. However, the report says it is making significant efforts to do so, including by establishing anti-trafficking offices in the offices of the Attorney General in all 34 provinces.

**Funding Issues.** USAID has spent about \$440 million (FY2002-2007) to build democracy and rule of law, and assist the elections. A revised request for FY2008 supplemental funding included \$100 million to assist with the presidential elections planned for 2009. For FY2009, \$707 million in Economic Support Funds (ESF) has been requested which will be used in part to enable the Karzai government to “extend the reach of good governance....”

### Afghanistan Political Transition Process

|   |   |
|---|---|
| Interim Administration                      | Formed by Bonn Agreement. Headed by Hamid Karzai, an ethnic Pashtun, but key security positions dominated by mostly minority “Northern Alliance.” Karzai reaffirmed as leader by June 2002 “emergency loya jirga.” (A jirga is a traditional Afghan assembly).  |
| Constitution                                | Approved by January 2004 “Constitutional Loya Jirga” (CLJ). Set up strong presidency, a rebuke to Northern Alliance that wanted prime ministership to balance presidential power, but gave parliament significant powers to compensate. Gives men and women equal rights under the law, allows for political parties as long as they are not “un-Islamic”; allows for court rulings according to Hanafi (Sunni) Islam (Chapter 7, Article 15). Set out electoral roadmap for simultaneous (if possible) presidential, provincial, and district elections by June 2004. Named ex-King Zahir Shah to non-hereditary position of “Father of the Nation;” he died July 23, 2007.  |
| Presidential Election                       | Elections for President and two vice presidents, for five year term, held October 9, 2004. Turnout was 80% of 10.5 million registered. Karzai and running mates (Ahmad Zia Masud, a Tajik and brother of legendary mujahedin commander Ahmad Shah Masud, who was assassinated by Al Qaeda two days before the September 11 attacks, and Karim Khalili, a Hazara) elected with 55% against 16 opponents. Second highest vote getter, Northern Alliance figure (and Education Minister) Yunus Qanooni (16%). One female ran, got about 1%. Hazara leader Mohammad Mohaqiq got 11.7%; and Dostam won 10%. Funded with \$90 million in international aid, including \$40 million from U.S. (FY2004 supplemental, P.L. 108-106).   |
| Parliamentary Elections                     | Elections held September 18, 2005 on Single Non-Transferable Vote” System; candidates stood as individuals, not part of party list. Parliament consists of a 249 elected lower house (Wolesi Jirga, House of the People) and a selected 102 seat upper house (Meshrano Jirga, House of Elder). Voting was for one candidate only, although number of representatives varied by province, ranging from 2 (Panjshir Province) to 33 (Kabul Province). Herat has 17; Nangahar, 14; Qandahar, Balkh, and Ghazni, 11 seats each. The body is 28% female (68 persons), in line with the legal minimum of 68 women - two per each of the 34 provinces. Upper house appointed by Karzai (34 seats, half of which are to be women), by the provincial councils (34 seats), and district councils (remaining 34 seats). There are 23 women in it, above the 17 required by the constitution. Because district elections (400 district councils) were not held, provincial councils selected 68 on interim basis. 2,815 candidates for Wolesi Jirga, including 347 women. Turnout was 57% (6.8 million voters) of 12.5 million registered. Funded by \$160 million in international aid, including \$45 million from U.S. (FY2005 supplemental appropriation, P.L. 109-13).  |
| Provincial Elections/<br>District Elections | Provincial elections held September 18, 2005, simultaneous with parliamentary elections. Exact powers vague, but now taking lead in deciding local reconstruction Provincial councils size range from 9 to the 29 seats on the Kabul provincial council. Total seats are 420, of which 121 held by women. 13,185 candidates, including 279 women. Some criticize the provincial election system as disproportionately weighted toward large districts within each province. District elections not held due to complexity and potential tensions of drawing district boundaries.  |
| Cabinet                                     | Full-term 27 seat cabinet named by Karzai in December 2004. Heavily weighted toward Pashtuns, and created new Ministry of Counter-Narcotics. Rahim Wardak named Defense Minister, replacing Northern Alliance military leader Mohammad Fahim. Qanooni not in cabinet, subsequently was selected <i>Wolesi Jirga</i> Speaker. Northern Alliance figure Dr. Abdullah replaced as Foreign Minister in March 2006. Cabinet reshuffle in October 2008 including appointment of Atmar as Interior Minister.   |
| Next Elections                              | Presidential and provincial elections to be held in fall 2009; parliamentary, district, and municipal elections in 2010. About 500,000 voters from several provinces registered thus far, but security conditions could derail elections, in which case a <i>loya jirga</i> would convene to select a president. Karzai said in August 2008 that he is seeking re-election; the two-round election virtually assures victory by a Pashtun. Anti-Karzai Pashtuns attempting to coalesce around one challenger, possibly former Interior Minister Ali Jalali (who resigned in 2005 over Karzai’s compromises with faction leaders), or former Finance Minister and Karzai critic Ashraf Ghani. Former Foreign Minister Dr. Abdullah (Tajik) might run as “Northern Alliance candidate” after Karzai failed to recruit him to run as his first vice presidential running mate. Other Northern Alliance leaders, Qanooni and Rabbani, reportedly will not run. Other contenders include Dostam; Hazara leader Mohammad Mohaqiq; Ramazan Bashardost (another Hazara); Sabit (Pashtun, mentioned above); and Pashtun monarchist figures Pir Gaylani and Hedayat Arsala Amin. Rumors have abated that U.S. Ambassador to U.N., Afghan-born Zalmay Khalilzad, might himself run. Karzai’s reported 63% approval rating, suggests re-election is still likely. Each election to cost \$100 million. Elections also to be held for 23,000 “Community Development Councils” (CDC’s) nationwide that decide development priorities. |